

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12689 of Exxon Company, U.S.A., pursuant to Sub-section 8207.2 of the Zoning Regulations, for a speical exception under paragraph 5102.41 to rebuild a gasoline serv-ice station utilizing space formerly occupied by other commercial uses in the C-2-A District, at the premises of 3825 Alabama Avenue, S. E., (Square 5522, Lot 810).

HEARING DATE: June 28, 1978

DECISION DATE: July 5, 1978

DISPOSITION: The Board granted conditionally the application by a vote of 3-0 (Charles R. Norris, Chloethiel Woodard Smith and William F. McIntosh to grant, Leonard L. McCants not voting, not having heard the case).

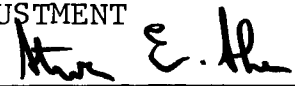
FINAL DATE OF ORDER: September 1, 1978

ORDER

On April 29, 1980 counsel for the applicant requested the approval of the Board to modify plans previously approved by the Board in its final order dated September 1, 1978. Based on the record the Board notes that approximately twenty months have transpired since the issuance of its final order. The Board concludes that such a period of time is too great for the Board to reexamine this application on its original merits. Accordingly, the Chairman ruled and it is hereby ORDERED that the request for modification of plans previously approved is DENIED. If the applicant desires to go forward with the modified plans, it should file a new application before the Board which would be processed in the normal manner.

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 18 JUN 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

GOVERNMENT OF THE DISTRICT OF COLUMBIA
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HEARING DATE: June 28, 1978

DECISION DATE: July 5, 1978

FINDINGS OF FACT:

1. The subject site is located in a C-2-A Zone District at 3825 Alabama Avenue, S.E., and has frontage on both Pennsylvania Avenue and Alabama Avenue, S.E. The area of the site is approximately 23,695 square feet.

2. The site is currently improved with an existing gasoline service station previously approved by the BZA in Case No. 6793. The station operates under Certificate of Occupancy No. B36060, dated July 17, 1962. The site is additionally improved with a small commercial development which is vacant. The applicant proposes to raze the commercial development together with the existing gasoline station improvements in order to modernize and enlarge the existing facility.

3. Adjacent to the east is a small commercial block which houses a laundry, dry cleaning store, record shop and two vacant shops. Fronting on Pennsylvania Avenue is a vacant structure which was formerly a restaurant. To the rear of the property along Alabama Avenue is another small shopping center which houses a drugstore, bowling alley, paint store, dry cleaning store, restaurant, beauty salon and liquor store. Across Alabama Avenue from this site is Fort Dupont Park.

4. The C-2-A district in which this property is located, extends along the eastern side of Alabama Avenue both north and south of Pennsylvania Avenue. An R-5-A District is adjacent to this site on the east and north. An R-2 District is located to the east and a large R-1-B District is located across Alabama Avenue from this site.

5. The rebuilt gasoline service station will have a customer service building which will include auto repair facilities and a three pump gasoline island. Gasoline sales will include self service and full service facilities. No body or fender work is contemplated at this facility. No grease pits or hoists will be located on the premises. Lifts for repair work will be located within the new service building.

6. The existing commercial structure which is adjacent to the present gas station will be replaced with a customer service house, restrooms and office space in addition to repair facilities.

7. The applicant proposes to construct a modern three bay service building with a canopy over three parallel pump islands, and install new underground tankage for gasoline and diesel fuels. The applicant further proposes to resurface the site including new concrete walks, additional landscaping, to provide for additional parking, and to improve employee security. The applicant proposes to provide diesel fuel at one of the pump islands as a result of increased consumer demand for that type of fuel.

8. In accordance with ~~Paragraph~~ 5101.41 and Article 74 of the Zoning Regulations:

- (a) This property is separated from the adjacent R-5-A residential district on the east by a sixteen foot wide public alley.
- (b) Access to the station is from both Alabama and Pennsylvania Avenue, S.E. The proposed construction provides four access points and

will provide more customer parking than the existing service station.

- (c) The application was referred to the D.C. Department of Transportation for review and report on May 11, 1978.
- (d) Plans for the proposed rebuilding indicate that much of the existing landscaping will remain.
- (e) One free standing, sixteen foot high identification sign will be erected at the southwestern corner of the site. All other signs will be integrated with the pump island canopy and building facades.

8. The applicant proposes the operation of a twenty-four hour facility, with no repair work to be performed after 6:00 p.m.

9. The new canopy to be provided will be of a low profile design, with indirect lighting, which will not be visible from outside of the commercial area.

10. The Municipal Planning Office by report dated June 22, 1978, recommended approval of the application on the grounds that it complies with the requirements of Paragraph 5101.41 of the Zoning Regulations, and that the proposed replacement of the existing gasoline service station will not result in any dangerous or otherwise objectionable traffic conditions. The Board so finds.

11. The Department of Transportation, by report dated June 13, 1978, stated that its review of the application identified no adverse impacts. The Board finds that with the four proposed access ways, no adverse traffic impacts are anticipated.

12. There was no recommendation from Advisory Neighborhood Commission 7B.

13. There was no opposition to the application. A neighbor wanted clarification of the hours of operation, landscaping, lighting and maintenance of the station.

14. The Board requested that a landscaping plan for the entire site be submitted for its review prior to making a decision. Applicant submitted same.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board is of the opinion that the requirements of Paragraph 5101.41 of the Zoning Regulations have been met by the applicant. In accordance with Paragraph 5101.41, this site is separated from the adjacent residential district by a public alley, all driveways are more than 25 feet from the intersection of Pennsylvania and Alabama Avenues. The Board further is of the opinion that the proposed rebuilding will not result in any dangerous or otherwise objectionable traffic conditions, since there will be four access points with more customer parking than the existing service station. The Board also concludes that the granting of the requested special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with those Regulations and Maps. Accordingly, it is hereby ORDERED that this application is hereby GRANTED subject to the following CONDITIONS:

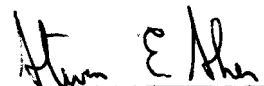
1. All repair work must be done inside the building.
2. A brick wall and shrubbery shall be located along the alley in the rear of the property as marked on the site plan marked as Exhibit 25 in the record.

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VOTE: 3-0 (Charles R. Norris, Chloethiel Woodard Smith
and William F. McIntosh to grant; Leonard L.
McCants not voting, not having heard the application)

FINAL DATE OF ORDER: 1 SEP 1978

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: 

STEVEN E. SHER
Executive Director

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX
MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR
OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING
AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS
AFTER THE EFFECTIVE DATE OF THIS ORDER.

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BOARD OF ZONING ADJUSTMENT



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DECISION DATE: July 5, 1978

DISPOSITION: The Board granted conditionally, the application by a vote of 3-0 (Charles R. Norris, Chloethiel Woodard Smith and William F. McIntosh to grant; Leonard L. McCants not voting, not having heard the case).

FINAL DATE OF ORDER: September 1, 1978

By Order of June 18, 1980, the Board denied the applicant's request for modification of plans previously approved by the Board, on the grounds that twenty months had elapsed since the final order was issued.

FINAL DATE OF ORDER FOR REQUEST FOR MODIFICATION OF PLANS:
June 18, 1980

O R D E R

The applicant filed a timely Motion for Reconsideration of the Board's Order DENYING the Motion for Reconsideration of Plans. The Board finds that the grounds for the Motion are based on evidence that the Board has considered before. Upon consideration of the two Motions and the Order of September 1, 1978, the Board finds that the subject Motion fails to state specifically any material respects in which the Board's Order of June 18, 1980 is claimed to be erroneous. Accordingly, the Chairman ruled and it is hereby ORDERED that the subject Motion is DENIED.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 6 OCT 1980

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UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."